

Message Text

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SUBJECT: STATUS OF DETAINEE RELEASE PROGRAM AND RELATED HUMAN RIGHTS QUESTIONS

1. SUMMARY: THIS REPORT PROVIDES AN OVERALL REVIEW OF DETAINEE RELEASE PROGRAM AND RELATED ITEMS, RESPONSIVE TO VARIOUS REQUESTS. MOST OF INFORMATION HEREIN HAS ALREADY BEEN REPORTED SEPARATELY. REPORT DESCRIBES THE THREE CATEGORIES OF DETAINEES, THE DWINDLING DAWSON ISLAND/RITOQUE GROUP OF SENIOR ALLENDE-ERA PERSONALITIES, ASYLEES IN FOREIGN EMBASSIES, AND PROGRAM OF REUNITED CHILEAN FAMILY MEMBERS WITH EXILED CHILEANS ABROAD. WHILE APPRECIABLE PROGRESS IN DISPOSING OF DETAINEES HAS ALREADY OCCURRED AND MORE IS EXPECTED, WE THINK GOC IS INCORRECT IN ITS APPARENT BELIEF THAT THIS PROGRAM ALONE WILL REVOLVE ITS INTERNATIONAL PROBLEMS REGARDING HUMAN RIGHTS; THIS NOW APPEARS TO DEPEND AS WELL AS ON PROGRESS IN SUCH OTHER IMPORTANT AREAS AS REESTABLISHMENT OF DUE PROCESS. END SUMMARY.

2. CATEGORY I - PERSONS DETAINED UNDER STATE OF SIEGE

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REGULATIONS

GOC CLEARLY WANTS TO REDUCE THIS GROUP, ESTIMATED AT SOME 1200 PERSONS, TO A HARD-CORE MINIMUM ASAP. FIRST LIST OF 100 PERSONS SLATED FOR RELEASE AND EXILE WAS MADE PUBLIC NOV 11, 1974; THEIR CASES HAVE BEEN LARGELY RESOLVED, AND MAJORITY HAVE DEPARTED CHILE. MIN INTERIOR GEN. BENAVIDES TOLD US RECENTLY A SECOND LIST WITH SOME 120 NAMES HAD BEEN PREPARED BY GOC AND GIVEN TO ICEM TO FIND PLACES OVERSEAS FOR THOSE NAMED, BUT WE HAVE NO INDEPENDENT CONFIRMATION OF EXISTENCE OF THIS LIST. LIST OF 200 TO MEXICO, NOW DOWN TO 157 SINCE GOC ADMITS 43 ON IT PREFER DETENTION AT HOME TO EXILE OVERSEAS, HAS NOT YET BEEN ACCEPTED BY GOM, BUT GOC FULLY EXPECTS EVENTUAL ACCEPTNACE. IN ADDITION, OTHER GROUPS AND INDIVIDUALS HAVE BEEN DRIBBLING OUT OF DETENTION INTO EXILE. GROUP OF 27 (ONE MORE NAME HAS BEEN ADDED TO ORIGINAL 26) TO VENEZUELA, INCLUDING FIVE IMPORTANT PERSONALITIES FROM DAWSON ISLAND/ RITOQUE GROUP, DEPARTED CHILE FEB 13. ICEM HAS SUCCESSFULLY PLACED FAIR NUMBER OF PERSONS OVERSEAS IN ADDITION TO LIST OF 100. FINALLY, GOC CONTINUES TO RELEASE PEOPLE FROM DETENTION WITHOUT IMPOSING EXILE. ALL THESE ELEMENTS ADDED TOGETHER ACCOUNT FOR MUCH OF CATEGORY I DETAINEES. ACCORDING TO BENAVIDES, REMAINDER ARE TOO DANGEROUS TO RELEASE, EVEN INTO EXILE, AND WILL CONTINUE TO BE HELD FOR FORESEEABLE FUTURE, SUBJECT TO CONTINUOUS REVIEW OF THEIR STATUS. PROBLEM OF COURSE REMAINS THAT NEW PERSONS ARE STILL BEING ADDED TO CATEGORY I, ALTHOUGH MAGNITUDE OF NEW ADDITIONS IS UNCLEAR.

3. CATEGORY II - INDICTED AND/OR UNDER TRIAL

JUDICIAL SYSTEM, PRIMARILY MILITARY TRIBUNALS, CONTINUES TO MOVE RAPIDLY TO CLEAR UP ESTIMATED BACKLOG OF 700 PENDING CIVILIAN CASES. WE ALSO HEAR RUMORS, CONFIRMED IN ONE CASE, OF MILITARY COURTS TRYING MILITARY PERSONNEL, ALTHOUGH NATURE OF CHARGES IS IN DISPUTE. THIS PROCESS MAY BE CONCLUDED IN NEAR FUTURE, WITH ESSENTIALLY NO BACKLOG OF PERSONS AWAITING TRIAL.

4. CATEGORY III - CONVICTED AND SERVING SENTENCES

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GOC HAS MADE NO PUBLIC MOVE TOWARD RELEASE, PRESUMABLY INTO EXILE, OF THIS GROUP OF PERHAPS 1,000 PERSONS. HOWEVER, GOC IS PUBLICLY COMMITTED TO SOME KIND OF RELEASE PROGRAM FOR SENTENCED PRISONERS. THERE IS BEHIND THE SCENES MANEUVERING, MOSTLY BY THE ENERGETIC REV. SAMUEL NALEGACH, EX. DIR. OF NATIONAL COMMITTEE FOR REFUGEES (COMAR), WHO IS PRESENTLY CIRCULATING A LIST OF NEARLY A THOUSAND NAMES OF CONVICTS IN HOPES OF INDUCING VARIOUS COUNTRIES TO TAKE THEM. ORIGIN AND

OFFICIAL STATUS OF THIS LIST ARE MURKY. ACCORDING TO NALEGACH (WE CANNOT CONFIRM), GOC WOULD COMMUTE JAIL SENTENCES TO EXILE AND OUST ALL WHO COULD BE RELOCATED ABROAD. NO INDICATION WHEN THIS MIGHT HAPPEN. NOTE: TOTAL OF ALL THREE CATEGORIES PROBABLY STILL STANDS AT OR UPWARDS OF 3,000 PERSONS. THESE DO NOT INCLUDE PEOPLE HELD IN INTERROGATION CENTERS, A CONSTANTLY SHIFTING GROUP.

5. DAWSON ISLAND/RITOQUE GROUP

GROUP OF SENIOR PERSONALITIES OF ALLENDE ERA CONFINED FIRST AT DAWSON ISLAND AND NOW RITOQUE IS DWINDLING RAPIDLY. OF EMBASSY'S UNOFFICIAL ORIGINAL LIST OF 39, ONLY 17 ARE LEFT. MOREOVER, WITH DEPARTURE OF LETELIR, ALMEYDA, TAPIA, AND FIVE TO VENEZUELA, VERY FEW TRULY PROMINENT NAMES REMAIN. LUIS CORVALAN, HEAD OF COMMUNIST PARTY, HEADS LIST, FOLLOWED BY FORMER MINISTERS ANIBAL PALMA, JOSE CADEMARTORI, CARLOS MATUS, FERNANDO FLORES, LUIS MATTE, AND PEDRO FELIPE RAMIREZ; THEN FORMER UNDERSEC INTERIOR DANIEL VERGARA AND FORMER UNIVERSITY RECTOR ENRIQUE KIRBERG. BENAVIDES TOLD US THAT EACH CASE IN THIS GROUP IS DECIDED UPON PERSONALLY BY PINOCHET, BUT SAID THAT OVER TIME NEARLY ALL WOULD BE RELEASED. WE CAN EXPECT CORVALAN TO BE ONE OF THE LAST TO GO.

6. ASYLEES

TOTAL ASYLEES IN FOREIGN EMBASSIES AS OF FEB 6 WAS 140. SINCE THEN A FEW MORE HAVE DEPARTED, WITH NO KNOWN ADDITIONS. APPARENTLY GOC HAS INCREASED ITS SECURITY MEASURES AROUND SUCH PROMINENT HAVENS AS COLOMBIAN EMBASSY, THEREBY MAKING INGRESS MORE DIFFICULT. POOL OF POTENTIAL ASYLEES APPEARS INEXHAUSTIBLE, HOWEVER. FEW NOW HAVE ANY POLITICAL RECORDS OF NOTE. GOC CONTINUES TO EXPEDITE ISSUANCE OF SAFE CONDUCTS

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TO ASYLEES, BUT PROBLEM REMAINS OF FINDING COUNTRIES WILLING TO ACCEPT THEM.

7. FAMILY REUNION PROGRAM

RECENTLY, NALEGACH SEEMS TO HAVE OBTAINED OR TO BE OBTAINING A GOC MANDATE TO OPERATE A REFUGEE CENTER FOR THIRD-COUNTRY NATIONALS (NEITHER A NEW NOR SIGNIFICANT ITEM) WHICH ALSO COULD PROCESS, IN CONJUNCTION WITH UNHCR, CHILEAN FAMILY MEMBERS WHO WISH TO JOIN THEIR EXILED CHILEAN HEADS OF FAMILY ABROAD. ALTHOUGH UNHCR HAS BEEN QUIETLY WORKING IN THIS AREA, PERTINENT GOC DECREE WOULD PROVIDE LEGAL AUTHORITY FOR PROGRAM. IN THE PROCESS, NALEGACH'S ORGANIZATION WOULD HAVE ITS NAME CHANGED TO "COMMISSION TO ASSIST FOREIGNERS" (CALEX). DECREE HAS NOT YET BEEN PUBLISHED IN DIARIO OFICIAL.

8. COMMENT: GOC SEEMS TO BELIEVE PROGRESS IN DETAINEE RELEASE PROGRAM AND SUCH RELATED ACTIVITIES AS ASYLEE SAFECONDUCTS WILL RESOLVE HUMAN RIGHTS PROBLEM IN CHILE AND SHOULD BE RECOGNIZED BY THE WORLD AS DOING SO. THERE HAS BEEN PROGRESS IN THIS SPECIFIC AREA AND MORE IS LIKELY, BUT THERE HAS BEEN NO SUBSTANTIAL MOVE TOWARD IMPROVING DUE PROCESS GUARANTEES, CORRECTING ABUSES BY INTELLIGENCE SERVICES, MODIFYING STATE OF SIEGE, OR RESTORING GENERAL POLITICAL RIGHTS. UNTIL THERE IS PROGRESS IN AT LEAST SOME OF THESE AREAS, GOC CAN BE EXPECTED TO HAVE A POOR WORLD IMAGE.
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